

REMARKS

The Office Action dated May 16, 2005 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto. Claims 1 and 3 have been amended and claim 4 has been cancelled. No new matter has been added. Support for the amendment of claim 1 may be found in the specification at page 100, lines 20-31. Claims 1-3 and 5 are respectfully submitted for consideration.

Claim 4 was previously indicated as containing allowable subject matter. That claim has been cancelled and its subject matter incorporated into claim 3. Claim 3 was previously rejected under 35 U.S.C. § 103(a) as being unpatentable over *Schwartz et al.* (U.S. Patent No. 6,434,115) in view of *Zheng et al.* (U.S. Patent No. 6,611,522). Applicants respectfully assert that the prior rejection of claim 3 is now moot and claim 3 should now be allowed.

The Office Action also indicated that claims 1, 2, and 5 were rejected under 35 U.S.C. § 102(e) as being anticipated by *Schwartz et al.* The above rejection is respectfully traversed according to the remarks that follow.

The present invention is directed to, according to claim 1, a method for managing congestion in a network switch. The method includes the steps of receiving an incoming packet on a first port of a network switch for transmission to a destination port, determining if the destination port is a monitored port, determining a queue status of the destination port, if the destination port is determined to be a monitored port and

prescheduling transmission of the incoming packet to the destination port if the destination port is determined to be a monitored port. Additionally, the network switch is one of a plurality of network switches configured in a stack and the step of prescheduling transmission includes dropping the incoming packet only when the queue status of the destination port indicates that a queue for the destination port is full. Also, the network switches in the stack are connected through high performance interconnect links and the method further includes a step of stripping a module header from packets received via the high performance interconnect links. Claims 2 and 5 depend from claim 1.

The invention, according to one embodiment described in the specification, is directed to methods of servicing the CoS queues at a source IPIC based upon the egress port queue status *across the stack*, as opposed to servicing the queues based upon CoS priority. Through servicing the queues based upon the egress queue status, the method effectively considers the CoS priority in conjunction with the egress queue status, which in turn minimizes port congestion and transmission delay across the stack. While the present invention minimizes port congestion, incoming packets are not dropped until a destination queue is indicated as being full. As such, Applicants respectfully assert that the cited references fail to teach or suggest all of the elements of the present claims.

Schwartz et al. is directed to a switching node for transferring packets. The node receives a plurality of packets on input ports to be forwarded through output ports. As illustrated in Fig. 5, the packet pass/drop module 42(n) receives a signal from the output port(n) status info module 43(n) and can use the status of the output ports to determine

whether the packet should be dropped. In the rejection, it is alleged that the “switching node 11 is one of a plurality of switching nodes 11s configured in a stack.” However, Applicants respectfully assert that *Schwartz et al.* fails to teach or suggest the stacking of network devices as described and claimed in the instant invention and the handling of packets received through high performance interconnect links used in the stacking of the network devices.

Claims 1 recites, in part, that the network switch “is one of a plurality of network switches configured in a stack.” Claim 1 also recites, in part, that “the network switches in the stack are connected through high performance interconnect links and the method further includes a step of stripping a module header from packets received via the high performance interconnect links.” The “stacking” of network switches is discussed in the instant application at page 99, line 19 through page 101, line 19 and illustrated in Figs. 26 and 27. The use of the term “stack” is different from a mere connection between switches, as discussed in the above-cited section. Thus, the recitation of a plurality of network switches configured in a stack is different from what is illustrated in Fig. 1, for example, in *Schwartz et al.*, where the network nodes are merely connected to each other.

In addition, as discussed in the same section of the specification, the packets received through the “stacked” connections receive different treatment because those packets so received also contain a module header. The module header is important in that information gained by one of the network devices may be readily passed on to other devices. As such, Applicants respectfully assert that *Schwartz et al.* cannot teach or

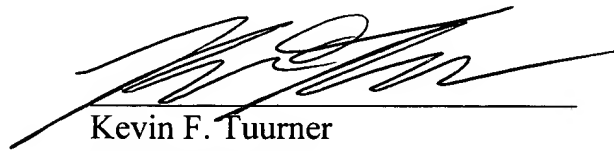
suggest all of the elements of claim 1 and that the rejection of claim 1 is therefore improper. Additionally, since claims 2 and 5 depend from claim 1, their rejection would likewise be improper. Reconsideration and withdrawal of the rejection of claims 1, 2 and 5 are respectfully requested.

On the basis of the above, independent claims 1 and 3 are respectfully asserted to be allowable, and as a consequence the dependent claims 2 and 5 are patentable as well. Applicants respectfully request the allowance of all claims and that the application be allowed to pass to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kevin F. Tuurner', is written over a horizontal line.

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